

SOUTH EAST FOREST RESCUE

S T O P P I N ' T H E C H O P P I N '

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12/12/06

David Nicholson
Manager
Forestry Policy and Regulation Section
Dept. Environment and Conservation

Dear David,

RE: BREACHS OF EDEN IFOA-EPL CLAUSE 23

After inspecting the 2005 EPA Annual Report for the Eden Region we have found that Forests NSW are in breach of their obligations under the IFOA-EPL.

Reporting Conditions

Part 1: Performance Monitoring and Auditing

23. What documents and information must an Annual Return contain?

23.1 State Forests must complete and supply to the EPA an Annual Return in the approved form comprising:

- (a) a Statement of Compliance;*
- (b) an Operational & Complaints Summary; and*
- (c) a Monitoring & Compliance Summary.*

[Note: Before the end of each reporting period, the EPA will provide State Forests with a copy of the form that must be completed and returned to the EPA].

23.2 The report specified in condition 23.1(b) of this licence must:

- (a) contain summaries of all entries made in the complaints registers, compliance registers and operations registers required by conditions 31, 32 and 33 of this licence; and*
- (b) contain summaries of improvements to or developments in best management practice carried out under this licence; and*
- (c) examine and discuss the efficacy of the conditions of this licence in protecting water quality; and*
- (d) respond to any information provided to State Forests by the EPA as a result of auditing activities, including details of the improvements to systems and practices that State Forests has made to ensure that any identified licence breaches are not repeated.*

23.3 The report specified in condition 23.1(c) of this licence must contain a summary of:

Monitoring conditions

*(a) whether all monitoring required by this licence has been carried out; and
(b) if all the monitoring has not been carried out, what monitoring has not been carried out and the reasons why the monitoring has not been carried out; and*

(c) whether all the monitoring data required to be reported to the EPA by this licence have been reported to the EPA; and

(d) whether all the monitoring data were reported within the time specified by this licence; and

(e) if all the monitoring data have not been reported to the EPA, or have not been reported within the time specified, the reasons why the monitoring data were not so reported; and

(f) whether all the monitoring data reported to the EPA were derived from monitoring carried out in accordance with this licence; and

(g) if any of the monitoring data reported to the EPA were not derived from monitoring carried out in accordance with this licence, what monitoring data were not so derived and the reasons why the monitoring data were not so derived.

Compliance conditions

(h) whether every condition of this licence has been complied with; and

(i) if one or more conditions have not been complied with, in relation to each such condition:

(i) the nature of the non-compliance; and

(ii) the reasons for the non-compliance; and

(iii) any action taken to prevent, control or mitigate the non-compliance; and

(iv) any action that has been or will be taken to prevent a recurrence of the non-compliance.

23.4 In providing details of non-compliances of conditions, State Forests must provide the information on a regional basis, as well as summarised for each division. The information must be provided in a standardised format for each State Forests' region.

BREACH 1: CLAUSE 23.2 (a)

This Clause states that the report must contain summaries of all entries in the compliance register required by clause 32. The small table in Appendix 1 does not meet the requirements of “summaries of all entries”. All that is presented is a “summary” of all entries, and an extremely narrow one at that. For the Operations Register they have provided “summaries of all entries”, so why haven’t they for the compliance register? The complaint register is also substandard.

BREACH 2: CLAUSE 23.2 (c)

In the annual report clause 23.2(c) is dealt with in section 7- Efficacy of Licence Conditions. Unfortunately all Forests NSW can manage is “ Nil comment from the Eden Region”. Is this because they would be forced to comment on the destruction of Letts Creek caused by their intensive unsustainable integrated logging of the catchment? Or are they truly off with the pixies in thinking everything is all right? We find Forests NSW response to this clause disgraceful.

BREACH 3: CLAUSE 23.3 (a) to (g)

In the annual report for this it says, “refer to report from Land Management and Technical Services Branch”. Whilst the report might exist elsewhere, this does not constitute compliance with this clause regarding monitoring conditions. Are Forests NSW trying to hide the results of their activities from the public?

BREACH 4: CLAUSE 23.3 (h) and (i)

This breach is connected to Breach 1 and is more specific as to what should be in the summaries. Forests NSW have only complied with (i) by only stating the nature of the non-compliance and how many occurrences of this nature. Parts (ii), (iii) and (iv) require more detail for each non-compliance incident to be presented.

BREACH 5: CLAUSE 23

Due to the previous breaches it is obvious that Forests NSW are also in breach of the whole clause 23 as it is incomplete and substandard. This report has been certified by the Regional Manager as correct. The Regional Manager needs to be advised that this report is far from what is required of their obligations under the IFOA-EPL.

We request that you investigate these breaches and ensure that Forests NSW comply with the IFOA regarding these. Thank you for your time and we await your reply.

Regards,

Scott Daines